Exhibit A

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION

MDL No. 3076 Case No. 1:23-md-03076-KMM

IN RE:

FTX Cryptocurrency Exchange Collapse Litigation

THIS DOCUMENT RELATES TO:
INSIDER DEFENDANTS
PROMOTER DEFENDANTS

DECLARATION OF SUNIL DOMINIC KAVURI IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF FIRST TRANCHE OF SETTLEMENTS, PROVISIONAL CERTIFICATION OF PROPOSED SETTLEMENT CLASS, AND APPROVAL OF THE PROPOSED SCHEDULE

I, Sunil Kavuri, hereby declare as follows:

- 1. I have personal knowledge of the facts stated herein, and if called upon as a witness, I would and could testify competently to the matters set forth herein.
 - 2. I am a citizen and resident of London, England and am over the age of 18.
- 3. I have been heavily involved in this litigation for over a year since I first agreed to serve as a Plaintiff and proposed class representative. I have dedicated a very significant amount of time to this matter, including reviewing the pleadings and the Complaints, meeting with my counsel almost every week, speaking and coordinating meetings with tens of thousands of other FTX victims across the globe, and serving on various unofficial FTX Bankruptcy Committees, all at my own expense.
- 4. I have had the honor or preparing for and attending most of the confidential mediations conducted in this MDL, in many cases attending with other FTX Plaintiffs, as to may of these Settling Defendants. I have kept myself very involved in the status of the case and settlement discussions.
- 5. Attached as <u>Exhibit 1</u> is the FTX Victim Impact Statement that I recently submitted to Judge Kaplan in the pending criminal matter *United States of America v. Samuel*

Bankman-Fried, No. 1:22-cr-00673 (S.D.N.Y.). I plan to appear in person and present my testimony live to Judge Kaplan at the Sentencing Hearing for Defendant Sam Bankman-Fried set for tomorrow, March 28, 2024. My Statement explains in detail just some of my work and concerns in this MDL matter.

- 6. The specific information provided by all of the Settling Defendants has been very important and valuable in helping our legal team prepare and file additional FTX lawsuits that have already been filed in this MDL and will in the future. Attached as **Exhibit** 2 is a list of the current actions filed by our counsel in the FTX MDL.
- 7. I understand that, as a proposed class representative, I will have the duty to represent the interests of all unnamed class members. I do not have any conflicts of interest with the absent class members or individual interests that could be deemed antagonistic to the interests of the class. I anticipate that I may file additional declarations in this MDL along with my proposed co-Class Representatives in connection with moving for final approval of any Class Settlements.
- 8. Through bringing these FTX-related actions, I am seeking to secure from MDL Defendants, for myself and all Class Members, the damages to which we may be entitled as a result of MDL Defendants' (named or yet-to-be-named) conduct relating to the FTX cryptocurrency exchange, Yield-Bearing Accounts, FTT (FTX's exchange token), and/or the underlying FTX fraud, to the extent any of those people or entities aided, abetted, or otherwise participated in a central conspiracy to promote unregistered securities and to misappropriate customer funds on the FTX cryptocurrency exchange.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and accurate to the best of my knowledge and belief.

Executed on March 27, 2024.



Sunil Dominic Kavuri

Exhibit 1

The Honorable Judge Lewis A. Kaplan

Daniel Patrick Moynihan United States Courthouse 500 Pearl St. New York, NY 10007-1312

March 12 2024

Dear Judge Kaplan

In anticipation of Sam Bankman-Fried's sentencing, I wanted to provide my Victim Statement. I have included my personal background for context. I used FTX.com and as a result have suffered greatly from Sam's fraud and the FTX bankruptcy.

Background

I am not a novice investor, having worked at leading financial institutions such as JP Morgan, Morgan Stanley and have been investing for over 20 years. I consider myself a particularly prudent long-term investor and certainly not a "speculator" or "gambler". I have studied and invested in equities, commodities – such as Gold and Silver and various derivative products.

After leaving JP Morgan, 12 years ago, I was attracted to Bitcoin in 2015, due to it fulfilling all the features of Gold as a store of value against inflation, but a much superior version – fixed in supply, durable, portable, perfectly divisible. After becoming comfortable with the ability to safely store Bitcoin (offline), and due to the prevalent macroeconomic conditions, such as rising Inflation, I invested quite a bit into Bitcoin in 2016. My investment thesis has always been the same, as a hedge against rising inflation, investing for the long-term and have predominantly stayed away short-term speculation on meme coins, altcoins etc.

2016 to 2021

I did not have confidence in crypto currency exchanges from Bittrex to Binance as the industry was rife with numerous frauds, hacks and scams. Being a long-term investor, I sporadically utilized exchanges for the minimum amount of time possible, to buy and sell and then move my cryptocurrency offline. No exchange was transparent about their ownership structure, investors, board of directors, audits, lawyers and as a result I didn't trust them.

FTX

I started using FTX.com September 2021 and significantly in December 2021 after being attracted to the platform as it was promoted as the safest way to invest in crypto currency. It was backed by among the largest venture capitalists in the world such as Sequoia (\$85bn AUM), sovereign wealth fund Temasek (\$400bn assets); law firm such as Sullivan and Cromwell to accountants that provided assurances of its regulatory compliance, and specifically customer accounts are segregated and FTX does not use customer deposits.

Being a financial advisor who was regulated by the FSA in the UK for many years, I understood the significance of making such statements as lawyers and accountants, financial

promoter/advisors – professionals who are bound by the code of ethics and regulated by governing bodies. Regulated professionals or those carrying out regulated activities should be held liable for misinformation and disinformation which results in financial loss for others.

I respected and was reassured by, the endorsement provided by venture capital funds such as Sequoia as their presence on a board of directors or would enable them to closely monitor every facet of the company's performance and operations. Bailhe of Sequoia explains that they take an active role in the operations of companies that it invests in, like FTX.

"There is a big active conversation throughout...We're not just passive money. We want to be really business partners"

Sam Bankman-Fried also regularly met with regulators in Washington which gave additional assurance that FTX was the most regulatory compliant crypto currency exchange. It was the Blackrock of crypto exchanges.

Sam regularly associated with well known public figures such as politicians (Tony Blair, Bill Clinton) and utilised international celebrity endorsements to create an impression of a credible, trusted and legitimate exchange to buy and sell cryptocurrency.

Sam also hired the leading law firm, Sullivan and Cromwell for his own personal capacity and for FTX, that regularly gave assurances for its compliance and that Sam does not use customer funds. In fact, Mr. Dietderich of Sullivan and Cromwell, stated the following on 7 Nov 2022, 4 days before FTX filed for Bankruptcy on 11 Nov 2022.

FTX is rock solid, doesn't use customer funds or take credit risk at all. It cannot have "liquidity" issues because it doesn't lend

From: Dietderich, Andrew G. <dietdericha@sullcrom.com> Date: Monday, Nov 07, 2022, 1:55 PM To: Azman, Darren < Dazman@mwe.com> Subject: RE: [EXTERNAL] Re: Town Hall That's just Binance silliness. FTX is rock solid, doesn't use customer funds or take credit risk at all. It cannot have "liquidity" issues because it doesn't lend. I'll get back to you on town hall. Discussing calendar and sequence for closing with debtor later this week. From: Azman, Darren < Dazman@mwe.com> Date: Monday, Nov 07, 2022, 1:09 PM To: Dietderich, Andrew G. <dietdericha@sullcrom.com Subject: RE: [EXTERNAL] Re: Town Hall We are getting a lot of inbounds regarding liquidity issues at FTX/Alameda. We also had a lot of leftover questions from the last town hall. I'm thinking we'd like to do another one next week and would like you for your team to be a part of it. We can't be silent on these issues and I don't want to speak for FTX. Let me know your thoughts on timing and who on your side would be best to join and handle FTX-related questions. DARREN AZMAN McDermott Will & Emery LLP One Vanderbilt Avenue, New York, NY 10017-3852 Tel +1 212 547 5615 Mobile +1 410 409 7591 Email dazman@mwe.com Biography [mwe.com] [nam10.safelinks.protection.outlook.com] | Website [mwe.com] [nam10.safelinks.protection.outlook.com]

Furthermore, The Terms of Service is explicitly clear and unambiguous - the title of digital assets remain with the customer. Digital assets are the property of users and not FTX trading

8.2.6.

- (A) Title to your Digital Assets shall at all times remain with you and shall not transfer to FTX Trading. As the owner of Digital Assets in your Account, you shall bear all risk of loss of such Digital Asset.
- (B) None of the Digital Assets in your Account are the property of, or shall or may be loaned to, FTX Trading; FTX does not represent or treat Digital Assets in User's Accounts as belonging to FTX Trading.
- (C) You control the Digital Assets held in your Account.

I was certainly not alone in trusting FTX. FTX became one of the fastest growing companies in history, reaching a \$32 billion valuation, 1 million users, and \$21 billion in average daily trading volume just two years after its founding.¹ I have been told by many FTX victims there were influenced by various celebrity promoters from Tom Brady to Shaquille O'Neal to Kevin O'Leary. Thousands of FTX customers agreed with NBA superstar Steph Curry when he said in a commercial: "I'm not an expert, and I don't need to be. With FTX I have everything I need to buy, sell, and trade crypto safely."²

¹ https://www.coindesk.com/consensus-magazine/2023/11/07/how-sam-bankman-fried-mastered-the-art-of-crypto-

 $marketing/\#:\sim: text=The \%20 rise \%20 of \%20 Sam \%20 Bankman \%2D Fried \& text=By \%20 the \%20 time \%20 of \%20 FTX \%27 s, world \%27 s \%20 top \%20 three \%20 crypto \%20 exchanges.$

² https://www.youtube.com/watch?v=gsy2N-XI04o

Sadly, Sam continues to insult every former FTX customer by insisting that his was a victimless crime and that FTX customers and creditors "are expected to get back all of their money" and that the "harm to customers, lenders, and investors is zero." 4

Sam's victims are my friends that have become like my family. They come from all walks of life, but they all shared a belief that investing in cryptocurrency through FTX provided an opportunity to accomplish their financial goals, be it save for retirement, pay for their children's college education, or purchase a home. These hopes evaporated on November 11, 2022, and they have not returned.

My class action lawyers have been fighting for all of us every day for the last 16 months in the ongoing multidistrict litigation before U.S. District Judge K. Michael Moore in the Southern District of Florida, to hold accountable all the Sam Bankman-Fried's fraud aiders and abettors accountable.

Customers Will Not be Made Whole

Not only does Sam claim that customers will recover all their money, but he incredibly argues, without evidence, that "the company was solvent at the time of the bankruptcy petition" and that "[t]he money was there—not lost." Solvent companies do not file for bankruptcy.

According to Sam, FTX suffered from a classic bank "run" that resulted in a "temporary shortfall in liquid assets to cover the unprecedented level of customer withdrawal requests beginning on November 6, 2022, which reached \$4 billion per day the morning of November 8." Bank runs can occur with Banks as customer deposits can be leant out. FTX was not a bank, they were an exchange. I purchased cryptocurrency through FTX with the expectation it is a purely custodian for my cryptocurrency. FTX's terms of service stated that none of the crypto in customer accounts are "the property of, or shall or may be loaned to, FTX Trading," and that the platform "does not represent or treat Digital Assets in User's Accounts as belonging to FTX Trading." When I wanted to sell my cryptocurrency and withdraw it, FTX should have been able to return all to me, but they could not because customer funds had been illegally transferred to Alameda for investments. A liquidity crisis is impossible if the company adhered its terms of service.

FTX bankruptcy estate remains to be the same fraudulent corporate entity with the same law firm and advisors to Sam Bankman-Fried that facilitated the money laundering of customer deposits to acquire investments such as Anthropic, Robinhood, Genesis Bitcoin Mining Assets, Solana among others.

³ Sam Bankman-Fried Sentencing Memorandum, at 17

⁴ Id at 18

⁵ Id

⁶ Sentencing memo at 9

⁷ Id at 18

⁸ https://www.coindesk.com/policy/2022/11/10/ftx-violated-its-own-terms-of-service-and-misused-user-funds-lawyers-say/

It is clear from Professor Easton testimony at Sam's trial. The same FTX bankruptcy estate and advisors, now want to claim all these assets as their own property and not the real victims, FTX original prepetition customers.

The terms of service are unambiguous and explicitly clear. Customers who held one bitcoin on FTX when they collapsed should get one bitcoin back from the estate. Instead, customers are unfairly characterised as unsecured creditors by the estate, meaning they will receive \$16,871 for each bitcoin they held on FTX, which was the price as of November 11, 2022. Considering that bitcoin is currently trading at \$69,446, customers are owed the difference too of \$52,574. Ethereum is currently at \$3,946 not \$1,258 price as of November 11, 2022. The same dynamic is true for nearly all the crypto-currencies customers held on FTX – their prices have gone up substantially over the past year.

Asset	Petition Price	Current Price*	Difference	Difference (%)
Bitcoin (BTC)	\$16,871.63	\$69,446	\$52,574.37	312%
Ethereum (ETH)	\$1,258.84	\$3,946.89	\$2,688.05	214%
Solana (SOL)	\$16.24711	\$147.29	\$131.043	806%
FTX (FTT)	\$0	\$2.24	\$2.24	Infinity

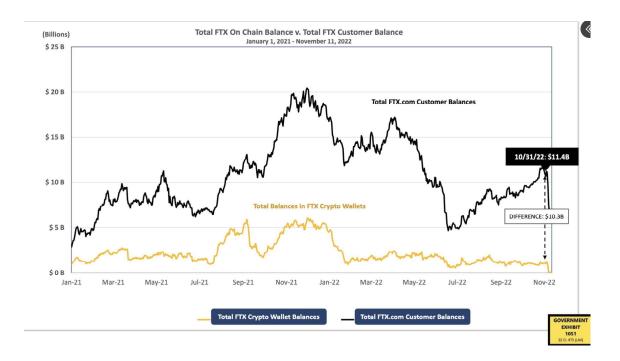
^{*}March 10 2024

Customers are not unsecured creditors. FTX was a custodian, that held our crypto currencies in trust. Customers have been defrauded by Sam Bankman-Fried, his aiders and abetters and the FTX estate, of our property – crypto currency and fiat deposits. The same fraudulent entity, FTX, is advised by the same lawyers, that originally defrauded and facilitated the money laundering of stolen FTX customers property prepetition, sold our crypto currency at high prices such as \$69,000 in November 2021 and want to pay back FTX customers valuing our crypto at the lowest price possible as of November 11, 2022.

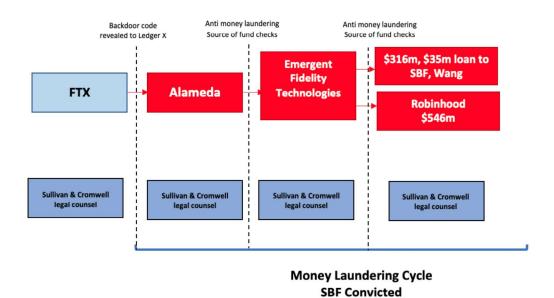
Crypto currencies have significantly risen, but so have 95% of assets globally as inflation has exceeded 10% pa. Food prices are higher with Eggs are up 2x to 3x higher, Milk 60%+ higher, cost of education, cost of housing all up significantly.

Just like a house, you cannot steal someone's house, sell it for a profit and pay back what it was worth over two years ago and pocketing the profit. The house should be returned or at least the equivalent value. Unfortunately, this is exactly what the FTX bankruptcy estate advised by Sullivan and Cromwell, the same law firm that advised Sam is proposing to do.

As the Government Exhibit shows, this is what has occurred, as Nov-21, when Bitcoin was last at \$69,000, Sam with the help of his fraud aiders and abetters such as lawyers, accountants, banks sold FTX customers' crypto currency that wasn't his to sell for a huge windfall (\$15bn above FTX customer balances).



This money was laundered into various assets such as FTX venture capital portfolio, paying for celebrity promoters and purchasing real estate, among other things.



Furthermore, thousands of customers will suffer losses (\$420m) as the bankruptcy estate has said FTT is akin to equity interest, despite the buyers of FTT were never told they were

purchasing equity in FTX and had no voting rights or ownership stake in FTX. FTT still has a market capitalization.

Claim process

Many creditors have rightly found the bankruptcy and claims process baffling and difficult to navigate, there is little to no official support from the estate itself, and this may result in people further losing money. Filing a claim required providing documents which creditors do not necessarily have access to now.

FTX provided no official support to customers filing a claim that wrongly characterised FTX customers as unsecured creditors. FTX customers are not unsecured creditors, but our crypto currencies and fiat is held in constructive trust.

I personally took it upon myself to assist FTX customers through the labyrinthine claims process to ensure the maximum amount of FTX customers claimed timely.



Neither @FTX_Official management nor @FTX_Committee team inform ftx users like @sunil_trades, god damn you, may the salaries you receive from us come back to you as poison

#FTX @FTX_Official @FTX_Committee #FTXreboot



Sam Bankman-Fried deliberately sent out false statements regarding the stability and solvency of the exchange in the days prior to the filing of chapter 11 via Twitter. Many creditors were deceived by his claims that "FTX is fine" and directly suffered losses due to this.

I held hope and was reassured like many FTX customers that their assets were secure and that there was no need to move them off of FTX. That said, Sam had stopped withdrawals from FTX on November, 7, 2022.

FTX Customers loss

The week of November, 7, 2022 is mostly a blur for me and thousands of creditors, unable to function properly, hoping that Sam would allow withdrawals. I was bereft and unable to function, constantly checking for updates and was falsely reassured by tweets by Sam such as FTX never invests customer deposits, even in treasuries. When FTX filed for bankruptcy on November, 11 2022 it was obvious, Sam had stolen our crypto currency and deposits.

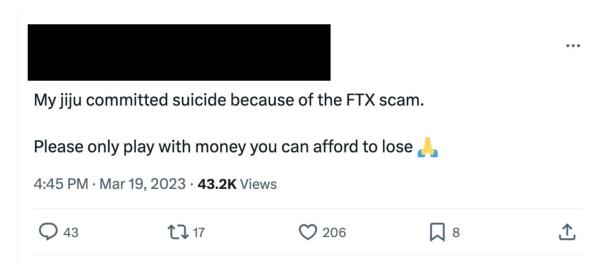
I couldn't eat or sleep for days. I felt sick and severely depressed. Overnight years of hard work, money that I had saved for a family home, earmarked for my children's education, was gone in an instant. The following week was the darkest time in my life, unable to think straight and struggling to find the strength to go on and every time I looked at my then 2-year old, I broke down, seeing his future education vanish overnight. It took me a significant amount of strength to recover from this tremendous shock and loss, but in the week following, I engaged my class action lawyers, Adam Moskowitz and David Boies, and took control of the situation. I found create comfort in creating and supporting a global community of FTX creditors/customers online. I knew if I felt like this, there were hundreds of thousands worldwide in a far worse situation, I had to stand up for what was right and fight for justice.

FTX customers have suffered greatly. I have been in a unique position of working with my class action lawyers, Adam Moskowitz and David Boies, to file and be named as a plaintiff in lawsuits against Sam's fraud aiders and abetters that range from celebrity promoters to venture capital firms to law firms. As a result, I have been in touch with 10,000s of FTX customers and have heard and witnessed truly heart-breaking stories.

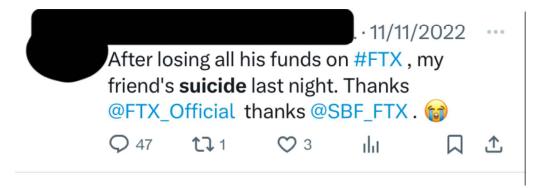
1000s of FTX customers have suffered from mental distress, depression, hospitalization and ill health following from Sam's fraud.



Everyone lost more money than they can afford as our money was STOLEN, it was not lost on an investment going down. Most were attracted to FTX due to deliberate marketing campaign of it being the safest way to buy crypto currency, so by definition are the most risk averse crypto currency investors. As a result – disastrously- this led to some FTX victims committing suicide.



There were many suicides.



Conclusion

FTX customers are not whole until all are paid back the value of the crypto currency and fiat holdings today not from 2 years ago (November 11, 2022). The FTX bankruptcy estate is claiming FTX customers will be made whole when they are in fact proposing to pay back 25% of my crypto holdings.

The digital assets I held on FTX represented money to pay for a family home, my children's education (I have 2 sons, one aged 4 years old and a 5 month old baby). Cost of housing, education, living costs – gas, electricity, food – 100% + higher than only November 2022. I had to make changes to my living arrangements, hold off buying a family home and make changes to the schools that I had thought I would send my children to. I cannot pay November 2022 prices for any bill.

FTX customer's digital assets were held in constructive trust on FTX. They are not and were never owned by Sam, the FTX estate and the fraud aiders and abetters, to sell and do as they wish. Now in bankruptcy, the same fraudulent FTX enterprise wants to give back 25% of my crypto holdings, while taking \$billions in fees, with any extra going to non FTX victims/customers – such as Alameda lenders and government fines. The FTX bankruptcy estate wants to pay government fines - which has resulted because of their own lies to the CFTC^{9 10} - by using FTX victim's crypto currency and fiat deposits. This is before making FTX victims whole at current prices. This is not dissimilar to what Sam did.

That said, suggestions that victims will recover all of their money is conjecture at this point, as not a single dime has been paid out of the bankruptcy estate thus far. I pray that victims will be made whole, but as we detail above, this is an unlikely outcome. No fraud of this magnitude can be executed without the help of fraud aiders and abettors that facilitated the money laundering process, helping to bypass anti-money laundering checks through creating intricate structures, signing off on audits, attesting to FTX's regulatory compliance, providing financial backing and promoting FTX to millions of customers globally. Just like Enron and

 $^{^{9}}$ https://www.wsj.com/finance/ftx-employees-found-alamedas-secret-backdoor-months-before-collapse-7f983fcd

¹⁰ Exhibit J Case 1:22-cr-00673-LAK Document 407-39 with the Sam Bankman-Fried Sentencing Memo

Arthur Andersen 20 years before, Epstein and banks more recently, Sam enacted the help of third parties, to steal from the real innocent victims, the FTX original prepetition customers. Unfortunately, the FTX bankruptcy estate is proposing to scam FTX customers again while disseminating categorically false information that FTX customers are whole at November, 11 2022 prices.

I will continue to fight alongside my class action lawyers to seek in the MDL and hold to account all those who enabled Sam to perpetuate one of the largest financial frauds in U.S. history.

Thank you for taking the time to read my Victim Statement.

Yours faithfully,

Sunil Dominic Kavuri

Exhibit 2

Exhibit 2

List of Matters in *In re: FTX Cryptocurrency Exchange Collapse Litigation,*<u>Case No. 23-md-03076-KMM (S.D.Fl.)</u>

Case Name	Case Number
Podalsky et al v. Bankman-Fried et al	1:22-cv-23983
Norris et al v. Brady et al	1:23-cv-20439
Lam et al v. Bankman-Fried	1:23-cv-22195
Jessup v. Bankman-Fried et al	1:23-cv-22200
Pierce v. Bankman-Fried et al	1:23-cv-22206
Siskind v. Sequoia Capital Operations LLC et al	1:23-cv-22144
Garrison et al v. Paffrath et al	1:23-cv-21023
Hawkins v. Bankman-Fried et al	1:23-cv-22260
Rabbitte v. Sequoia Capital Operations, LLC et al	1:23-cv-22261
Girshovich v. Sequoia Capital Operations, LLC	1:23-cv-22263
Cabo et al v. Sequoia Capital Operations, LLC et al	1:23-cv-22265
Imbert v. Bankman-Fried et al	1:23-cv-22266
O'Keefe v. Sequoia Capital Operations, LLC et al	1:23-cv-20700
Papadakis v. Bankman-Fried et al	1:23-cv-22326
Chernyavsky et al v. Temasek Holdings (Private) Limited et al	1:23-cv-22960
Garrison v. Bankman-Fried et al	1:22-cv-23753
Garrison et al v. Singh	1:23-cv-23046
GARRISON et al v. LINCOLN HOLDINGS LLC	1:24-cv-21158
O'Keefe v. Tiger Global Management, LLC	1:23-cv-23047
O'Keefe v. Multicoin Capital Management, LLC	1:23-cv-23048
Garrison et al v. Jung	1:23-cv-23063
Edwin Garrison et al v. Shohei Ohtani et al	1:23-cv-23064
OKeefe v. Temasek Holdings (Private) Limited et al	1:23-cv-23065
Garrison et al v. Golden State Warriors, LLC et al	1:23-cv-23084
Cabo et al v. Fenwick & West LLP	1:23-cv-23211
Cabo et al v. Temasek Holdings (Private) Limited et al	1:23-cv-23212
Rabbitte et al v. K5 Global Advisor, LLC et al	1:23-cv-23213
Garrison v. Creators Agency LLC	1:23-cv-23304
Lucky D et al v. Prager Metis LLP et al	1:23-cv-23871
Kavuri v. Bankman-Fried et al	1:22-cv-23817
Rabbitte et al v. SkyBridge Capital II, LLC et al	1:23-cv-22949
Orr et al v. Wasserman Media Group, LLC et al	1:23-cv-24478
Garrison et al v. Sullivan & Cromwell LLP	1:24-cv-20630
O'Keefe v. Farmington State Bank et al	1:23-cv-23044